

REMARKS

Reconsideration and withdrawal of the restriction requirement are respectfully requested in view of the remarks herewith.

The Examiner required restriction to one of the following Groups under 35 U.S.C. §121.

- I. Claims 1-4;
- II. Claim 5; and
- III. Claims 6-10.

Applicant elects Group I, claims 1-4. This election is made *with traverse* and is made without prejudice to Applicant's right to file divisional applications directed to the non-elected subject matter. It is respectfully requested that the restriction requirement be favorably reconsidered and withdrawn.

Applicant respectfully urges that the Restriction Requirement does not establish that searching all the inventions would constitute an undue burden to the Patent Office. Moreover, Applicant urges that the Restriction Requirement is contrary to public policy. Accordingly, Applicant submits that the Restriction Requirement is improper and should be withdrawn or at least modified.

The MPEP lists two criteria for a proper restriction requirement. First, the invention must be independent or distinct. MPEP § 803. Second, searching the additional invention must constitute an undue burden on the examiner if restriction is not required. *Id.* The MPEP directs the examiner to search and examine an entire application “[i]f the search and examination of an entire application can be made without serious burden, ... even though it includes claims to distinct or independent inventions.” *Id.*

Applicant urges that the Restriction Requirement does not meet the second of these criteria as the search for the groups overlap. The present claims represent a web of knowledge

and continuity of effort that merits examination in a single application. Thus, reconsideration and modification the Restriction Requirement are warranted.

Further, it is respectfully urged that restricting the claims in the manner suggested in the Restriction Requirement constitutes an undue burden to Applicant as well as to the public. The cost of prosecuting and maintaining so many patents is unreasonable in view of the fact that the three groups are so closely related. Further, the public is inconvenienced as it will not know whether or not Applicant will file a divisional application to the remaining subject matter.

Accordingly, in view of the foregoing, reconsideration and withdrawal of the restriction requirement are requested, and an early action on the merits is earnestly solicited.

Respectfully submitted,

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